

REMARKS

Claim 3 is pending in the application. Claim 3 is rejected. Claim 3 is herein amended. Claim 3 is herein amended to more particularly point out and distinctly claim the subject matter that the Applicants regard as their invention.

Claim Rejections - 35 U.S.C. §103

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 4,378,345 to Okumura et al. in view of U.S. 4,978,681 to Adachi et al.

The Examiner notes that Okumura et al. teaches a hair setting composition containing polyethylene glycol and a divalent or trivalent metal salt of pyrrolidonecarboxylic acid or a polyoxyalkylene added silicone oil (col. 2, lines 13-23). The Examiner further notes that Adachi et al. recognizes polyoxyalkylene polysiloxanes as an art-known carrier in hair growing compositions. The Examiner asserts that it would have been obvious to substitute the specific polyoxyalkylene polysiloxane (Formula I) of Okumura et al. as a carrier for the general polyoxyalkylene polysiloxane in the hair growing composition of Adachi et al.

Applicants herein amend claim 3 to further define the invention. Thereafter, Applicants respectfully disagree with the above rejection, because not all of the claimed limitations are taught or suggested by the cited references.

Applicants note that the compound represented by formula (II) in claim 3 of the present application (hereinbelow referred to as “compound (II)”) is different from the compound represented by formula (I) or (II) of U.S. Patent 4,378,345 (Okumura et al.). Therefore, the invention with

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respect to compound (II) is not obvious to a person skilled in the art from Okumura et al. even in view of U.S. Patent 4,978,681 (Adachi et al.).

However, Applicants note that a portion of the compound represented by formula (I) in unamended claim 3 of the present application (hereinafter referred to as “compound (I)”) overlaps with the compound represented by formula (I) or (II) of Okumura et al.

In order to avoid this overlapping, as seen in the attached paper, Applicants herein limit claim 3 of the present application by amendment so that m in formula (I) is 1 to 4. Applicants note that this amendment removes the overlapping.

Specifically, in formula (I) of Okumura et al., m is from 1 to 10 and n is from 10 to 50. Therefore, the main chain of the compound represented formula (I) of Okumura et al. has 13 silicon atoms (when m is 1 and n is 10) or more.

Further, in formula (II) of Okumura et al., m' is from 5 to 50 and n' is from 1 to 10. Therefore, the main chain of the compound represented formula (II) of Okumura et al. has 8 silicon atoms (when m' is 5 and n' is 1) or more.

On the other hand, in the present invention, by the above-mentioned amendment, the main chain of compound (I) has 7 silicon atoms (when n is 4) or less.

As apparent from the above, by the present amendment, the presently claimed invention is different from the invention of Okumura et al., and would not have been obvious to a person skilled in the art from Okumura et al. even in view of Adachi et al.

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In view of the aforementioned amendments and accompanying remarks, Applicants submit that claim 3 as herein amended is in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures:

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